

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 08-20080-1

V.

**PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE**

RASHAD MARCELUS BELL,

Defendant.

ORDER

FOR RE-SENTENCING AND WITHDRAWING ATTORNEY REPRESENTATION;
APPOINTMENT OF NEW ATTORNEY FOR DEFENDANT

At a session of Court held on July 22, 2008 at Defendant Rashad Marcelus Bell's ("Defendant") sentencing, many important new issues were raised by the defense counsel that had not been noticed to the Court by a sentencing memorandum or letter. The Defendant's lawyer requested a significant downward departure/variance without providing the Court any advance notice or citation to law, memorandum or precedent. This was ineffective assistance of counsel. The Court finds that defense counsel was ineffective by not properly raising these important issues for the Court to consider in advance by memorandum which were critical to the Defendant's sentencing. Further, the proceeding was deficient in that the Assistant United States Attorney assigned to the case was not present to provide additional relevant information to the Court.

For these reasons, the Court:

- (1) **ORDERS** that defense counsel is removed from representing Defendant;
- (2) **ORDERS** that the Federal Defender's Office shall appoint new counsel for Defendant to bring these issues before the Court at a resentencing; and
- (3) **ORDERS** Defendant should be kept in this jurisdiction pending resentencing.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: July 23, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 23, 2008.

s/Denise Goodine

Case Manager